

Application No. 10/700,556
Amendment dated May 14, 2007
After Final Office Action of February 14, 2007

Docket No.: 0941-0862P

REMARKS

Claims 1, 2 and 4-13 are now present in this application.

Claims 1 and 7 have been amended, and claim 3 has been cancelled without prejudice or disclaimer. Reconsideration of the application, as amended, is respectfully requested.

Rejection under 35 USC 112

Claim 7 stands rejected under 35 USC 112, second paragraph. This rejection is respectfully traversed.

In view of the foregoing amendments, it is respectfully submitted that all claims particularly point out and distinctly claim the subject matter of the instant invention. Reconsideration and withdrawal of the 35 USC 112, second paragraph rejection are respectfully requested.

Rejections under 35 USC 102 and 103

Claims 1, 2 and 4 stand rejected under 35 USC 102(a) as being anticipated by Hiroyuki, JP 2003-281806. This rejection is respectfully traversed.

Claim 5 stands rejected under 35 USC 103 as being unpatentable over Hiroyuki in view of the Applicant's Admitted Prior Art. This rejection is respectfully traversed.

Claim 6 stands rejected under 35 USC 103 as being unpatentable over Hiroyuki in view of Boss et al, U.S. Patent 6,157,618. This rejection is respectfully traversed.

Claim 7 stands rejected under 35 USC 103 as being unpatentable over Hiroyuki . This rejection is respectfully traversed.

Application No. 10/700,556
Amendment dated May 14, 2007
After Final Office Action of February 14, 2007

Docket No.: 0941-0862P

Applicant gratefully acknowledges that the Examiner considers claims 8-13 to be allowable, and claim 3 to contain allowable subject matter. Without conceding the appropriateness of the Examiner's rejections, but simply to expedite prosecution of this application, it is noted that limitations from objected-to but allowable claim 3 have been incorporated into independent claim 1. Accordingly, independent claim 1 and its dependent claims 2 and 4-7 should now be in condition for allowance.

Reconsideration and withdrawal of the 35 USC 102 and 103 rejections are respectfully requested.

Conclusion

Favorable reconsideration and an early Notice of Allowance are earnestly solicited.

Because the additional prior art cited by the Examiner has been included merely to show the state of the prior art and has not been utilized to reject the claims, no further comments concerning these documents are considered necessary at this time.

In the event that any outstanding matters remain in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

In the event the Examiner does not consider this application to be in condition for allowance, it is respectfully requested that this Amendment be entered for the purposes of Appeal. This Amendment does not contain new matter or raise new issues, and should overcome the current grounds of rejection and therefore simplify the issues for Appeal. Nonetheless, it should be unnecessary to proceed to Appeal because the instant application should now be in condition for allowance.

Application No. 10/700,556
Amendment dated May 14, 2007
After Final Office Action of February 14, 2007

Docket No.: 0941-0862P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: May 14, 2007

Respectfully submitted,

By 

Joe McKinney Muncy

Registration No.: 32,334

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant